

Appl. No. 10/622,518
Docket No. AA598M
Amdt. dated Aug. 13, 2007
Reply to Office Action of April 12, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-13 are pending in the present application. No additional claims fcc is believed to be due.

Claim 1 has been amended to include "wherein said substrate comprises at least one inner layer and two outer layers, said outer layers comprising rayon fibers". Support for this amendment may be found on page 4, lines 11-20 of the specification.

Claim 10 has been amended by inserting "said inner layer comprises polypropylene" in place of "the water-insoluble substrate comprises hydrophilic materials selected from the group consisting of cotton, pulp, rayon, and mixtures thereof." Support for this amendment may be found on page 4, lines 11-20 of the specification.

Claims 14-16 are new. New Claim 14 is Claim 11, as originally filed, in independent form. Likewise, new Claims 15 and 16 analogous to originally filed Claims 12-13.

Claim 17 is new. Support for Claim 17 may be found on page 4, lines 21-33.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a)

Claims 1-13 have been rejected under 35 USC §103(a) as being unpatentable over the combination of U.S. Patent Nos. 6,753,063 to Pung, et al. ("Pung") and 6,083,854 to Bogdanski et al. ("Bogdanski"). In support of the rejection, the Office points to various citation in Pung. The Office states, "The difference between '063 and instant application is '063 does not teach water-soluble thickening polymer. However, Patent '854 teaches wipes using water-soluble thickeners." The Office concludes, "Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a wipe of '063 and using emulsifier, oily component, thickener and carrier and add the specific thickener of patent '043 in analogous wipe preparations."

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Applicant traverses the rejection. The Office points to no teaching in Pung or Bogdanski teaching the limitation presented in Claims 7-8 and 11-13. Neither Pung nor Bogdanski teach:

- a liquid composition comprising at least an ascorbic acid derivative and a vitamin B₃ derivative (Claim 7),
- a water-insoluble substrate configured to cover the majority of the area of facial skin (Claim 8), or
- the steps of the method as recited in Claims 11-13.

Without a specific teaching, a *prima facie* case has not been established. The subject matter of Claims 11-13, as originally presented, is now present in new Claims 14-16.

Claim 1 has been amended to recite a substrate comprising "at least one inner layer and two outer layers, said outer layers comprising rayon fibers." Neither Pung nor Bogdanski teach the use of such a substrate. The presently claimed substrate offers a unique balance of features. The outer layer comprising rayon fibers provides a soft and high loft feel when the mask is applied to a user's face. The rayon fibers are hydrophilic which improves retention of the emulsified liquid composition. Since the outer layers offer the softness, loft, and liquid retention benefits, the inner layer(s) may be constructed to yield other benefits to the substrate. For example, Claim 10 recites that the at least one inner layer comprises polypropylene. In such an embodiment, the polypropylene may provide strength and a degree of rigidity to the substrate. Applicant asserts that the amended claims are patentably distinct over Pung and Bogdanski.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing amendments and arguments, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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